

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION**

RAYMOND TUCKER,

Petitioner,

vs.

CASE NO. 06-10250
HON. LAWRENCE P. ZATKOFF
MAGISTRATE JUDGE PAUL J. KOMIVES

CARMEN PALMER,

Respondent.

**OPINION AND ORDER ADOPTING
MAGISTRATE JUDGE'S REPORT AND RECOMMENDATION**

Petitioner filed a Petition for Writ of Habeas Corpus pursuant to 28 U.S.C. § 2254, and a Motion for an Evidentiary Hearing on January 19, 2006. Respondent filed a response brief on July 27, 2006. This matter is currently before the Court on Magistrate Judge Komives Report and Recommendation of December 15, 2006, in which the Magistrate Judge recommends that the Petition should be granted. Respondent filed an objection to the Report and Recommendation and Petitioner has responded to this objection.

The Court has undertaken a thorough review of the court file, the Report and Recommendation, and the objection to the Magistrate Judge's Report and Recommendation filed by Respondent. As a result of that review, the this Court ADOPTS the Report and Recommendation and enters it as the findings and conclusions of this Court.

Therefore, IT IS HEREBY ORDERED that Petitioner's Petition for Writ of Habeas Corpus is GRANTED and that he be released from custody forthwith.

IT IS SO ORDERED.

s/Lawrence P. Zatkoff
LAWRENCE P. ZATKOFF
UNITED STATES DISTRICT JUDGE

Dated: March 22, 2007

CERTIFICATE OF SERVICE

The undersigned certifies that a copy of this Order was served upon the attorneys of record by electronic or U.S. mail on March 22, 2007.

s/Marie E. Verlinde
Case Manager
(810) 984-3290